

# EXHIBIT 3

(Pages from Deposition of Juan Obed Perez)

1 A. Well, I haven't been involved with the final  
2 estimate, but there is a scope that that particular  
3 company writes, and BE&K gets a scope.

4 Q. A scope?

5 A. Yes, scope of work.

6 Q. Okay, okay.

7 A. I'm sorry.

8 Q. Okay, no problem.

9 A. And based on that, BE&K estimates the  
10 man-hours, man-hours, engineering hours that are  
11 required to do that job. And this normally is done by  
12 consulting, it's just the engineering department, like  
13 the process engineering department, electrical  
14 engineering, civil, mechanical, and so on.

15 Q. So there is a consultant for each department;  
16 is that right?

17 A. That's correct.

18 Q. Okay. Go ahead, sorry, I didn't mean to  
19 interrupt.

20 A. And per department they determine, based on the  
21 scope of work for them, how many hours will it take  
22 them to do the job. So engineer project managers  
23 gather this information, put it together, and they  
24 come up with total engineering hours. And then they

1 manipulate the information to add other overheads and  
2 other things that I may not be aware of.

3 Q. So is there more than one bid coming in to the  
4 company? Is there BE&K and could there be another, or  
5 is it just done one company at a time? Are they  
6 competing with anyone?

7 A. For a particular job, that private company,  
8 yes.

9 Q. Okay.

10 A. They contact companies like Jacobs or Delaware  
11 Engineering or some other kind of companies like that.

12 Q. Okay. Now, what sort of things, if there is  
13 more, if there is more than one, like say BE&K and  
14 Delaware Engineering, and they're both bidding on the  
15 same project, what sort of things is the company going  
16 to consider as between who to pick? What are the  
17 factors?

18 A. Well, always number one is the cost or, you  
19 know, how much that engineering company is going to  
20 charge for the job. Sometimes these bids are based on  
21 what they call lump sum, which means that once you  
22 agree on, the company agree with BE&K its a lump sum,  
23 BE&K has to stick to those engineering hours that they  
24 would offer.

1       A.     So they did the negotiations with B and -- with  
2 Motiva. We were told, and I'm not the only person,  
3 there were other people, that they bid, tried to bid  
4 the lowest and they did the one below what normally  
5 they had done the project to get in. They thought  
6 that, and the philosophy is that then by doing other  
7 projects they would recover.

8               None of the disciplines that got involved  
9 with that project as far as mine and as far as the  
10 project engineer that was handling the project, they  
11 told us, "You're going to work in this project, this  
12 is the amount of hours that are allocated." We didn't  
13 have any, anything to say about the hours. And I was  
14 not the only that was kind of complaining about what  
15 it has been done, not what BE&K did in a way, but we  
16 know BE&K bid it pretty low.

17             Being that the case, then we worked with  
18 what we were given. And that makes it very difficult,  
19 because at the same time they said these are the  
20 strict hours. You got to go by that, or then BE&K has  
21 to absorb the extra hours that we may go over.

22       Q.     Now, let's look -- just give me one second  
23 here. Let's look at what Pete Howell said about that,  
24 and let's see if you think that what he said was



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1 pretty fair. That would be on EEOC121, which is the  
2 very last page. And then it says, "Year in review,  
3 What were the employee's accomplishments," and then he  
4 starts to say "Obed worked." If you want to just read  
5 that and tell me what you think.

6 A. What part is that, please?

7 Q. I might not have highlighted it.

8 A. Like the second --

9 MR. ANGLADE: Right here.

10 A. Oh, that one right there? "Obed worked," okay.

11 Q. Yes, just take a look at that. And then when  
12 you've had a chance to read it, tell me if you think  
13 that's pretty fair.

14 A. "On the Motiva CCR scrubber project as the  
15 process engineer. Project was completed with some  
16 engineering overruns for various reasons. Obed  
17 learned a lot about lump sum projects while working on  
18 this."

19 Q. That's good, the rest of it is about Conoco.

20 So as far as that goes, did you think that  
21 was pretty fair.

22 A. Yes. Because it was the first time that I  
23 worked in a project like that, and you know, my  
24 learning is that, you know, you are really tight on



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1 the amount of hours.

2 Q.. Because he didn't say, he didn't say that it  
3 was your fault for any reason, right?

4 A. Correct.

5 Q. Okay, good. Okay. Done with that.

6 Now, who was Mr. Howell's supervisor?

7 A. Mr. Shumaker was the, as far as I remember, the  
8 engineering manager who was above Pete Howell.

9 Q. Now, as engineering manager, did he have just  
10 process or was he in charge of more than the process?

11 A. All the engineering department.

12 Q. Okay. Did you have a lot of interactions with  
13 him, Mr. Shumaker?

14 A. Not really; to say hi in the hall.

15 Q. Now, did he have authority to hire and fire  
16 without approval from others?

17 A. Well, he needed a feedback from the manager  
18 for, basically from Mr. Pete Howell. Because Mr. Pete  
19 Howell collects information about my performance based  
20 on the project managers that I have worked with.

21 Q. So he, Mr. Shumaker, didn't have enough  
22 interaction directly with the engineers to make  
23 decisions like that?

24 A. That's correct.



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1 A. It was on per diem, yes.

2 Q. When did you stop working on site at Tosco?

3 A. Just likely before -- well, maybe around May.

4 Right now that's what I recall, May.

5 Q. Okay.

6 A. May 2003.

7 Q. Okay. And then at that point did you come back  
8 to the Newark facility?

9 A. Correct.

10 Q. Did you do more follow-up work for Tosco from  
11 Newark?

12 A. Yeah, everything, I was not sent to anyplace  
13 after the Tosco job.

14 Q. And why did you leave the Tosco project?

15 A. It was completed.

16 Q. Was it finished early?

17 A. It was pretty much open. I was basically doing  
18 two functions, and one of them was technical support.  
19 And that one depended on when they were going to be  
20 able to find somebody for that job position.

21 Q. An in-house person you mean?

22 A. Yes, to be hired directly for Tosco.

23 Q. Did they find someone?

24 A. Yes, they did.



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1 A. To -- if I had something pending, which I did,  
2 but it was something minor that took me half a week or  
3 so.

4 Q. So really the only notice they gave you was  
5 maybe a week?

6 A. When somebody's interviewed, there is some time  
7 in the process and the person accepts, there is  
8 another period of time in which that person would like  
9 to commence the work, and there is a gap there.

10 Q. Okay. Did you have to train them at all?

11 A. Not in that particular case.

12 Q. Okay.

13 A. It wasn't an entry level position.

14 Q. Okay. So how much time total between the time  
15 they said, "Okay, we found someone," how much time did  
16 you have after that before you had to return to  
17 Newark?

18 A. It was matter of weeks, I think. I don't  
19 recall exactly.

20 Q. More than two weeks, would you say?

21 A. About.

22 Q. And when you got back to BE&K in Newark, what  
23 did you do when you got back as far as work?

24 A. They gave me some functions of, especially in



1 relief devices, some functions that they were part of  
2 the project that I was not really directly involved in  
3 the project.

4 Q. What project was it?

5 A. I don't recall at this moment.

6 Q. Okay. So in other words, it was a project that  
7 was already ongoing and this was the kind of filler  
8 work?

9 A. Yes.

10 Q. Okay. Who was the engineer on the project at  
11 that point, do you remember?

12 A. Oh, boy. I don't recall.

13 Q. Okay. Now, as far as that kind of work, was  
14 that at your skill level or above or below your skill  
15 level?

16 A. It's on my level. Other less experienced  
17 person with the right training was able to do it.

18 Q. Okay. And any other work that you did during  
19 that time?

20 A. I don't recall. There were minor things here  
21 and there.

22 Q. Okay. More of this kind of filler work?

23 A. As far as I recall.

24 Q. Okay. Were there any more, not filler

1 A. There were some overhead charge.

2 Q. Can you tell me how much? I mean I don't want  
3 numbers, but more often than not, for example?

4 A. Well, I went back to BE&K during mid-summer. I  
5 know the weather was getting better. It was clear  
6 outside by the times that I was driving 4:00 in the  
7 morning, 5.

8 Q. So at that time was part of your time billed to  
9 overhead and not to a client?

10 A. All, you know, depends or depended on what I  
11 was doing at that time. Like mentioned before, the  
12 little projects or help that I was providing that were  
13 charged to that project. So I don't have a good feel  
14 of the time that I was working overhead, but it, you  
15 know -- well, I shouldn't say because I don't recall.

16 Q. Okay, that's fine. So I'm not going to ask you  
17 to speculate as to the number of, or the amount of  
18 time you spent on overhead. But is it fair to say  
19 that part of that time was billed to overhead?

20 A. I could say so.

21 Q. Okay. When did you file your charge with the  
22 EEOC? I can pull it out if you'd like. Would that be  
23 better?

24 A. Sure.